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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8607 OF 2004

Datar Switchgear Limited ...Petitioner
Vs.
State of Mah. and Ors. ...Respondents

WITH
WRIT PETITION NO. 8608 OF 2004

Mrs. Shobhana Rajan Datar and Anr.. Petitioners
Vs.
State of Maharashtra and Ors. ... Respondents

Mr.Y.S. Jahagirdar with Mr. Joglekar and Mr. L.R. Indorkar i/by Shaunak Satpute & Co. for Petitioners.

Mrs. M.P. Thakur, A.G.P. for R. Nos. 1 and 4.

Mr. P.N. Joshi for R. No. 2.

Mr. Y.R. Mishra with Mr. Rajiv Chavan and Mr. O.A. Dubey for R. No. 5.

**CORAM: F.I. REBELLO &**
**R.V. MORE,JJ.**
**DATED: JANUARY 09, 2007**

**P.C.:**

. Both the petitions are directed against the certificate issued under Section 101 of the M.C.S. Act. During the pendency of the petition, the company was before B.I.F.R. The B.I.F.R. has framed a scheme which has been sanctioned. The money payable under the award forms part of the sanctioned scheme. The contention on behalf of the respondent is that the respondents have applied for rectification and or review of the said scheme. Be

that as it may. Once the moneys payable under the award has become part of the sanctioned scheme, nothing further survives in this petition. However, liberty to the Petitioner to approach this court in the event the scheme as sanctioned is set aside in appeal or earlier if such directions are issued.

. It is needless to say that the respondents in the event the scheme is set aside, will have the liberty to invoke such remedy to which they are entitled to in law.

. With the above directions, Petition disposed of.

**(R.V. MORE,J.)** **(F.I.REBELLO, J.)**